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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/208,963 12/10/98 LIU

J 97-2739

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EXAMINER

GRAY, T

ART UNIT

PAPER NUMBER

1742

DATE MAILED:

05/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/208,963

Applicant(s)

LIU ET AL.

Examiner

Tamara N Gray

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
 2. ☐ received in Application No. (Series Code / Serial Number) ____.
 3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|--|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 20) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-16, and 18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The specification of the invention fail to specify what the average values of the standard 2324-T39 alloy would be for the properties selected, therefore; it can not be determined whether the invention is an improvement. The average values of the standard 2324-T39 alloy could be submitted for further review.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Karabin et al. Karabin et al teaches an aluminum alloy product consisting essentially of about 3.6 to 4.0 wt. % copper, about 1.0 to 1.6 wt. % magnesium, about 0.3 to 0.7 wt. % manganese, about 0.05 to 0.25 wt. % zirconium, the balance aluminum and incidental elements and impurities. It preferably include less than 0.05 wt. % of iron and 0.03 wt. % of silicon, and is substantially free of titanium which means it contains 0.03 wt. % or less (column 4 paragraph 2). It is inherent that 0% beryllium is within the instantly

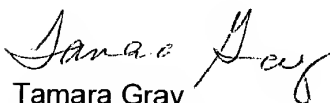
disclosed specified range. Karabin et al also teaches that the heat treatment temperature is between 900 and 935°C (column 6 paragraph 1) and that the copper preferred target is 4.0 to 4.2 wt % while the preferred target for magnesium is 1.15 to 1.5 (column 5 paragraph 1). In addition the aluminum alloy of Karabin et al is used in the structural component of an aerospace product specifically the wing of a commercial jet aircraft (column 3 paragraph 1). It would appear that the improvements of the Karabin et al invention are also between 5 to 7.5 % compared to the average values of standard 2324-T39 alloy disclosed in given prior art, showing that the instantly disclosed invention embraces the teachings of Karabin et al.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara N Gray whose telephone number is 703 305-0387. The examiner can normally be reached on mon-fri 8am-4:30pm.

The fax phone numbers for the organization where this application or proceeding is assigned are 703 308-4242 for regular communications and 703 305-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.


Tamara Gray
Patent Examiner
May 17, 2000


SCOTT KASTLER
PRIMARY EXAMINER
GROUP 1000